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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
27383	7590	02/02/2004	EXAMINER	
CLIFFORD CHANCE US LLP 200 PARK AVENUE NEW YORK, NY 10166			FUREMAN, JARED	
		ART UNIT	PAPER NUMBER	
		2876		

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/827,466	Applicant(s) SCHUESSLER ET AL. <i>AK</i>
	Examiner Jared J. Fureman	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 01 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-96,99-117,131 and 132 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-96,99-117,131 and 132 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 06 April 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ . 6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 1-96, 99-117, 131 and 132, in the response filed on 10/1/2003 is acknowledged. Claims 1-96, 99-117, 131, and 132 are pending.

***Claim Objections***

2. Claim 39, 46, 52-96, and 132 are objected to because of the following informalities:

Re Claim 39, line 11: "distributive" should be replaced with --distributed--.

Re claim 46: Claim 46 depends upon itself. For examination purposes, claim 46 has been interpreted so as to depend from claim 45.

Re Claims 52-96: It appears as though claims 52-96 should depend from claim 51, rather than claim 50. Thus, for examination purposes, claims 52-96 have been interpreted so as to depend from claim 51.

Re Claim 132: Applicant is advised that should claim 116 be found allowable, claim 132 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-96, 99-115, 117, and 131 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilz, Sr. et al (US 5,992,752).

Claims 1-38: Wilz, Sr. et al teaches a method for processing information, comprising the steps of: a) receiving information (scanned bar code 8) from a plurality of bar code scanners (7A); b) determining source (the user ID/network address of computer system 6) and destination information (a website encoded in bar code 8, for example) for the received information; and c) distributing data from the received information to at least one destination identified by the destination information; receiving data (website data, for example) from the at least one destination for communicating to a user of a bar code scanner identified by the source information; maintaining a database of assigned bar codes (see figure 6B); associating security information (the Internet service provider requiring the user to sign in/logon, for example) with each bar code scanner and requiring the security information from a user before use of the scanner or before accepting bar code information from the scanner; further comprising receiving time information (time/date field 38E) from a plurality of bar code scanners;

receiving location information from a plurality of bar code scanners (the ID/network address of the computer system 6); wherein the information is received in an encrypted form (a secure website, for example) and is decrypted before the step of distributing (see figures 1-2, 4, 5, 7A-9, column 1 lines 45-54, column 2 lines 52-61, column 3 lines 15-46, column 4 lines 28-37, column 4 line 52 - column 5 line 5, column 5 line 47 - column 6 line 16, column 6 lines 25-50, column 8 lines 15-26, column 10 lines 1-67, column 11 line 13 - column 12 line 3, column 15 line 1 - column 16 line 65, column 17 line 35 - column 18 line 18, column 25 line 64 - column 26 line 44, and column 33 lines 6-49).

Re claim 39: Wilz, Sr. et al teaches a method for managing the distribution of information between a plurality of users and a plurality of content providers, said system comprising a plurality bar code readers (7A), an information exchange portal (Internet service provider 4) and a plurality of content providers (website providers) having a content information source (a website) for distribution to select one of said plurality of users, wherein said method comprises the following steps: distributing a bar code reading device (7A) to each of the plurality of users; said bar code reading devices being enabled to communicate bar coded data (8) selected by the user to a predetermined information exchange portal (bar coded data is transmitted from the reader 7A to computer system 6 and then to the Internet service provider 4); distributing bar codes to at least one customer for distribution, said distributed bar codes being stored on a database (the website providers database, for example) which is accessible to the information exchange portal and said database includes a corresponding

information component associated with each such bar code (a website associated with the bar coded website address); receiving at the information exchange portal a bar code distributed to at least one consumer over a network connection (when the user reads a bar code 8 with reader 7A), and associating the consumer which delivered the bar code source with the corresponding information component (displaying the website at the computer system 6, for example); and recording the association on a information management database (the website provider recording the user's access to the website, for example) (see figures 1-2, 4, 5, 7A-9, column 1 lines 45-54, column 2 lines 52-61, column 3 lines 15-46, column 4 lines 28-37, column 4 line 52 - column 5 line 5, column 5 line 47 - column 6 line 16, column 6 lines 25-50, column 8 lines 15-26, column 10 lines 1-67, column 11 line 13 - column 12 line 3, column 15 line 1 - column 16 line 65, column 17 line 35 - column 18 line 18, column 25 line 64 - column 26 line 44, and column 33 lines 6-49).

Re claims 40-48, 51, 99-101, 117, and 131: Wilz, Sr. et al also teaches: a method for using bar codes (8) encoded with information (a website address) corresponding to an externally assigned entity (a website provider) when received at an Internet portal (Internet service provider 4), comprising the steps of: providing a first type of media with said bar code (printed information 14, see figure 1); connecting a user to the internet portal when the bar code on the media is read with a bar code reader; and transmitting information of a different media type (website graphics and audio, for example) related to the first media type from the portal to the user; (see figures 1-2, 4, 5, 7A-9, column 1 lines 45-54, column 2 lines 52-61, column 3 lines 15-

46, column 4 lines 28-37, column 4 line 52 - column 5 line 5, column 5 line 47 - column 6 line 16, column 6 lines 25-50, column 8 lines 15-26, column 10 lines 1-67, column 11 line 13 - column 12 line 3, column 15 line 1 - column 16 line 65, column 17 line 35 - column 18 line 18, column 25 line 64 - column 26 line 44, and column 33 lines 6-49).

Re claims 49, 50, 52-96, and 102-115: Claims 49, 50, 52-96, and 102-115 represent an intended use of the system/method and does not require any structural changes from the system/method as taught by Wilz, Sr. et al. Since the system/method as taught by Wilz, Sr. et al is capable of performing the claimed intended use, the claims fail to distinguish over the teachings of Wilz, Sr. et al.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 116 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al in view of Bianco (US 5,979,762).

The teachings of Wilz, Sr. et al have been discussed above.

Wilz, Sr. et al fails to specifically teach providing the bar code with a prefix portion indicating whether the bar code is encrypted or not.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is

encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Wilz, Sr. et al, providing the bar code with a prefix portion indicating whether the bar code is encrypted or not, in order to provide greater security.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herrod et al (US 6,675,203 B1), Williams (US 6,641,037 B2), Ogasawara (US 6,512,919 B2), Catan (US 6,491,217 B2), Poore et al (US 6,202,933 B1), Hudetz et al (US 6,199,048 B1), Call (US 6,154,738), Gottsman et al (US 6,134,548), Ogasawara (US 6,123,259), Reichl et al (US 6,070,793), Sizer, II et al (US 6,036,086), Roslak (US 9,979,753), Cragun et al (US 5,971,277), Call (US 5,913,210), Knowles (US 5,905,251), Russell et al (US 5,908,248), Thenery (US 4,806,743), Edamura (US 4,780,588), Tremmel et al (US 4,418,277), Challa et al (US 2003/0057284 A1), and Showghi et al (US 2003/0050854 A1) all teach systems and methods for processing information including receiving information from bar code scanners and providing related information to a user of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

January 12, 2004

*Jared J. Fureman*  
Jared J. Fureman  
Art Unit 2876